

By: Workman

H.B. No. 3087

A BILL TO BE ENTITLED

AN ACT

relating to the condemnation of conservation easements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.0122, Property Code, is hereby established as follows:

The application of any law, rule, policy, ordinance or regulation promulgated under the Government Code, Local Government Code, Water Code OR Natural Resources Code that has the effect of requiring that more than 50% of the surface area of an owner's private real property remain in a natural or undeveloped state, exclusive of the 100-year floodplain as determined by agencies of the United States government, is a conservation easement, the establishment and enforcement of which will require:

(a) the consent of the owner under Chapter 183 of the Natural Resources Code; or

(b) the exercise of the power of eminent domain under this Chapter.

SECTION 2. Section 1 does not apply to the following governmental actions:

(a) a lawful forfeiture or seizure of contraband as defined by Article 59.01, Code of Criminal Procedure;

(b) a lawful seizure of property as evidence of a crime or violation of law;

(c) the authority of a municipality, a county, another

1 political subdivision, the state, or an agency of the state, with
2 respect to the implementation or enforcement of an ordinance, a
3 rule, or a statutory standard of a program, plan, or ordinance that
4 was adopted under:

5 (1) the federal Coastal Zone Management Act of
6 1972 (16 U.S.C. Section 1451 et seq.); or

7 (2) Subtitle E, Title 2, Natural Resources Code;

8 (d) a permit, order, rule, regulation, or other action
9 issued, adopted, or undertaken by a municipality, a county, another
10 political subdivision, the state, or an agency of the state in
11 connection with:

12 (1) the federal Coastal Zone Management Act of
13 1972 (16 U.S.C. Section 1451 et seq.); or

14 (2) Subtitle E, Title 2, Natural Resources Code;

15 or

16 (e) the enforcement or implementation of Subchapter B,
17 Chapter 61, Natural Resources Code, as it existed on September 1,
18 1995, or to the enforcement or implementation of any rule or similar
19 measure that was adopted under that subchapter and was in existence
20 on September 1, 1995.

21 (f) an action taken by a political subdivision to
22 ensure compliance with on-site sewage facility regulations
23 promulgated by the Texas Commission on Environmental Quality.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.